

## Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ADP-00 EB-11 OPR-02 TRSE-00 H-03 PM-07

NSC-10 SS-15 RSC-01 CIAE-00 DODE-00 INR-10 NSAE-00

PA-03 USIA-15 PRS-01 RSR-01 /108 W

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R 021600Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6638

LIMITED OFFICIAL USE BONN 11035

PASS TREASURY AND U.S. CUSTOMS SERVICE

E.O. 11652: N/A

TAGS: ETRD, GW

SUBJECT: US-FRG CUSTOMS COOPERATION AGREEMENT

REF: STATE 138766

TION AGREEMENT INITIALED IN BONN 22 JUNE.

### 2. CHANGES:

(A) ARTICLE 1(2). FRG REPRESENTATIVES AGREE TO  
SUBSTITUTE THE WORDS "UNITED STATES CUSTOMS SERVICE" FOR  
THE WORDS "BUREAU OF CUSTOMS" WHICH NOW APPEAR IN  
ARTICLE 1(2) AND ARTICLE 12(1) AND ARTICLE 17.

(B) ARTICLE 1(3). FRG REPRESENTATIVES AGREE THAT  
THE NAMES NEW YORK AND VIENNA SHOULD BE OMITTED FROM  
ARTICLE 1(3) TO AVOID UNNECESSARY CONFUSION.

(C) ARTICLE 2(2)(B). GERMAN SIDE ADVISES THAT THE  
WORD "ERMITTLUNGSVERFAHREN" REFERS TO THE FIRST PHASE OF  
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CRIMINAL PROCEEDING WHICH IS GENERALLY DONE BY THE

ZOLLFAHNDUNGSDIENST (CUSTOMS INVESTIGATIVE SERVICE), THEREFORE THE EXPRESSION "CRIMINAL PROCEEDINGS" IN THE ENGLISH TEXT COVERS BOTH EXPRESSIONS "IN ERMITTLUNGS-UND STRAFVERFAHREN" AS FOUND IN THE GERMAN TEXT. FRG WOULD PREFER TO LEAVE BOTH TEXTS AS THEY ARE FOR THE FOLLOWING REASON. IN COMMON EVERYDAY USAGE, ONE SPEAKS OF "ERMITTLUNGEN" IN REGARDS TO THE ACTIVITY OF THE ZOLLFAHNDUNGSBEAMTEN (CUSTOMS INVESTIGATIVE OFFICIALS), IN SPITE OF THE FACT THAT THE WORD "STRAFVERFAHREN", IN THE LEGAL SENSE, INCLUDES THE TERM N "ERMITTLUNGSVERFAHREN". THEREFORE, THE GERMAN TEXT, AS IT STANDS, IS MORE EASILY UNDERSTOOD IN GERMAN PRACTICE. SUBSTANTIVELY, THERE IS NO DIFFERENCE BETWEEN THE TEXTS.

(D) ARTICLE 14(3). THE GERMAN SIDE QUESTIONS WHETHER A PERSON CAN BE "DIRECTED" OR ORDERED TO MAKE A STATEMENT AS A WITNESS INASMUCH AS FRG LAW GRANTS HIM THE RIGHT TO REMAIN SILENT. FRG WOULD PREFER TO HAVE THE ENGLISH TEXT CHANGED FROM "DIRECTED" TO "AUTHORIZED" IN ORDER THAT THE TEXTS AGREE. FRG WOULD NOT OBJECT IF THE TERM "DIRECTED" WERE LEFT IN THE ENGLISH TEXT; HOWEVER, IT WOULD NOT BE POSSIBLE TO WRITE THE TERM "ANGEWIESEN" IN THE GERMAN TEXT. ON OCCASION, THE OFFICIAL WOULD HAVE THE RIGHT TO REMAIN SILENT IN THE COURT (E.G., SELF-INCRIMINATING TESTIMONY, TESTIMONY AGAINST MEMBERS OF ONE'S IMMEDIATE FAMILY, ETC.) (IN DISCUSSION WITH FRG REPRESENTATIVES THEY AGREED THAT ENGLISH MIGHT MORE ACCURATELY READ "BE DIRECTED (AUTHORIZED) TO TESTIFY AS WITNESSES...", BEING A MORE PRECISE TRANSLATION OF THE GERMAN "ERMAECHTIGT VOR GERICHT AUSZUSAGEN" THAN "TO ATTEND AS WITNESSES", ATTENDANCE NOT NECESSARILY BEING SYNONYMOUS WITH TESTIMONY.)  
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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** hilburpw  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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